

REMARKS

Applicant has amended the Claim 1. Applicant respectfully submits that this amendment to the Claim 1 is supported by the application as originally filed and does not contain any new matter. Therefore, the Final Office Action will be discussed in terms of the claims as amended.

The Examiner has rejected the Claims 1 through 4 under 35 U.S.C. 102 as being anticipated by Barber, stating that Barber discloses a customer information collection method from which personal information of an individual who downloads and uses digital information is collected as customer information by third party other than said individual as a result of the third-party acquiring rights to use said digital information, said customer information collection method comprising the steps of receiving an indication of a desire to use digital information from an individual, prompting said individual who has indicated said desire to input his/her own personal information as customer information, collecting and compiling said input customer information, and sending a password to said individual so that said individual can use digital information.

In reply thereto, Applicant would like to first point out that the technical feature of the present invention lies in the fact that customer information of an individual can be efficiently acquired, while at the same time a desired digital information can be readily used by making a third party own the desired digital information and rendering a bargain between said third party and said individual to be made in such a way that a barter between said customer information and a password for using said digital information is accelerated.

In contrast to Applicant's invention, in Barber is only disclosed a security system in which a bargain between a server and a user is made in such a way that the user can obtain access to a database or applications in exchange for the fact that the user sends his or her ID to the server. As is shown in the attached drawing, the invention in Barber is only relative to the encircled portion of the present invention, which indicates transmitting data between a third party and a user.

In view of the above, Applicant respectfully submits that the present invention and Barber are fundamentally different since Barber is only related to a portion of Applicant's invention.

More specifically, Applicant respectfully submits that the limitation contained in the phrase "personal information of an individual" contained in Claim 1 of Applicant's application is

not disclosed in Barber since the personal information is clearly made distinct from the password which is sent to said individual for using the digital information. As a result, Applicant respectfully submits that the ID in Barber is not personal information in the sense of Applicant's invention.

Still further, Applicant respectfully submits that as to the limitation contained in the phrase "said third party acquiring rights to use said digital information" in Claim 1, the owner of a database or application disclosed in Barber does not correspond to a third party since an owner is clearly excluded from said third party in Applicant's claims. In addition, Applicant respectfully submits that the ID in Barber is not exchanged with a password for using the digital information including databases or applications, but with the digital information itself. In contrast thereto, in Applicant's invention, the personal information is directly exchanged with the password.

Finally, as to the limitation contained in the phrase "collecting and compiling said input personal customer information," Applicant respectfully submits that such a step is not disclosed in Barber at all since Applicant respectfully submits that a mere ID does not constitute data to be collected and compiled in order to effectively be utilized in the future.

In view of the above, therefore, Applicant respectfully submits that the Claims 1-4 are not anticipated by Barber.

The Examiner has further rejected the Claims 5 through 8 under 35 U.S.C. 102 as being anticipated by Barber, stating that Barber discloses a customary information collection system in which personal information of an individual who downloads and uses digital information as collected as customer information by a third party other than said individual as a result of said third party acquiring rights to use the digital information, said customer information collection system comprising: a means which receives an indication of a desire to use digital information from an individual, a means which prompts said individual who has indicated said desire to input his/her own personal information as customer information, a means that sends a password to said individual so that said individual can use said digital information.

In reply thereto, Applicant would like to incorporate by reference his comments above concerning Applicant's invention and Barber, and respectfully submits that said arguments are equally applicable to Barber and the invention of Applicant's claims 5 through 7. Still further, Applicant respectfully submits that Barber does not disclose the limitation contained in the last

few lines of Applicant's Claim 1, namely, "while paying the fee for using said digital information to the owner of said digital information in accordance with the number of said password issued."

Accordingly, Applicant respectfully submits that Barber does not disclose each and every element of Applicant's invention as claimed by Claims 5 through 8 and the Claims 5 through 8 are not anticipated thereby.

Since this patent application was unintentionally abandoned, Applicant respectfully submits that if a three-month extension of time is required to respond to the Final Office Action, please charge the fee for said three-month extension of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

In view of the above, therefore, it is respectfully requested that this Rule 116 Amendment be entered, favorably considered, and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Response or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

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Barber

3/18/2005

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